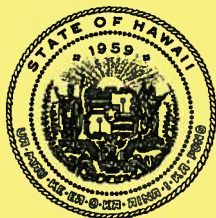


LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

APR 15 2009

Mr. David McClain, President  
University of Hawaii  
2444 Dole Street, Bachman Hall  
Honolulu, Hawaii 96822

Dear President McClain:

Subject: Mauna Kea Comprehensive Management Plan

This is to inform you that on April 9, 2009, the Board of Land and Natural Resources (BLNR) approved the University of Hawaii's Mauna Kea Comprehensive Management Plan (CMP), subject to the following conditions:

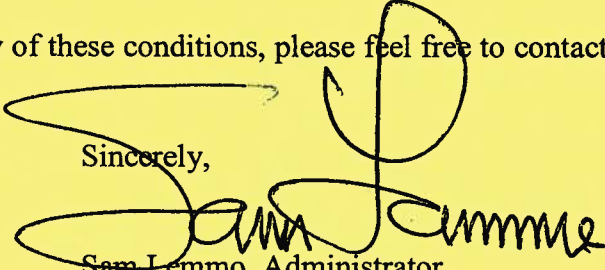
- 1) That the University of Hawaii Board of Regents (BOR) is the entity responsible for the implementation of the CMP, subject to the oversight of the BLNR. The BOR may delegate its responsibility with the accompanying authorities to another entity within the University system, subject to the approval of the BLNR;
- 2) That within one year of the BLNR approval of the CMP, the BOR or its authorized designee shall provide the BLNR in writing and in person with the following information:
  - Status of the development of each sub plan;
  - Status of the development of each management action;
- 3) That the BOR or its authorized designee shall continue to submit annual reports to the BLNR (in writing and in person), which shall include the items listed in condition No. 2;
- 4) That within one year of the BLNR approval of the CMP, or the submission of a Conservation District Use Application, whichever occurs sooner, the University shall submit for review and approval the following sub plans:
  - A cultural resources management plan;
  - A natural resources management plan;
  - A decommissioning plan, including a financial plan; and
  - A public access plan;
- 5) That amendments to the CMP shall be reviewed and approved first by the BOR, and second by the BLNR;

- 6) That the BOR recognizes that by approving the CMP, the BLNR has not delegated any authority (not already in existence) to the University with respect to land use approvals, leasing, or public access at Mauna Kea;
- 7) That within one year of the BLNR approval the CMP, or the submission of a Conservation District Use Application, whichever occurs sooner, the BOR or its authorized designee shall provide the BLNR (for review and approval) with a management and implementation framework, that has been authorized by the BOR, for project developments within UH Management Areas that is consistent with the specific management actions, conditions and policies of the CMP;
- 8) That failure to comply with these conditions may subject the University to the imposition of additional conditions to ensure compliance with the CMP and any penalties allowed under the law.

Please have the BOR's authorized designee acknowledge receipt of this approval with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty (30) days.

Should you have any questions on any of these conditions, please feel free to contact me at 587-0377.

Sincerely,

  
Sam Lemmo, Administrator  
Office of Conservation and Coastal Lands

Receipt acknowledged:

\_\_\_\_\_  
Applicant's Signature

Date \_\_\_\_\_

c: Chairperson, Board Members  
Hawaii District Land Agent  
Historic Preservation Division  
NARS  
Kuiwalu  
OMKM

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS  
Honolulu, Hawaii

April 8-9, 2009

Board of Land and  
Natural Resources

REGARDING: Mauna Kea Comprehensive Management Plan

APPLICANT: University of Hawaii

LANDOWNER: State of Hawaii, Leased to the University of Hawaii

LOCATION: Mauna Kea Science Reserve, Including Hale Pohaku,  
and Summit Access Road, Island of Hawaii

TMKs: TMK: (3) 4-4-15:9 (Science Reserve)  
TMK: (3) 4-4-15:12 (Hale Pohaku)

AREA OF PARCEL:  $\pm$ 11,288 acres (Science Reserve)  
 $\pm$  19 acres (Hale Pohaku)

SUBZONE: Resource

DESCRIPTION OF AREA AND CURRENT USE:

The Mauna Kea Science Reserve (MKSR) encompasses 11,288 acres of State land leased to the University of Hawaii (UH) under General Lease S-4191. According to the University of Hawaii, Institute for Astronomy (UHIfA), about 0.36 percent (40.5 acres) of the lease area is currently being used by observatories and related development. UH also controls  $\pm$  19 acres of land at Hale Pohaku (mid-level facilities), which includes the support facilities for the observatories. The third area within the UH Management Area is the Summit Access Road that extends from Hale Pohaku to the boundary of the Mauna Kea Science Reserve, including a 400-yard wide corridor on either side of the road, excluding those areas within the adjacent Mauna Kea Ice Age Natural Area Reserve (**Exhibit 1, UH Management Areas**). Surrounding land uses include the Mauna Kea Ice Age Natural Area Reserve and the Mauna Kea Forest Reserve. The Science Reserve is located within the Resource subzone of the State Conservation District (**Exhibit 2, Conservation District Subzones**).

*Amended*  
~~APPROVED BY THE BOARD OF~~  
~~LAND AND NATURAL RESOURCES~~  
~~AT ITS MEETING HELD ON~~  
4/9/2009

## PROPOSED ACTION

UH has developed a Comprehensive Management Plan (CMP) for the Mauna Kea Science Reserve (**Exhibit 3, CMP**). UH is seeking the approval of the Board of Land and Natural Resources (BLNR) for the CMP under the BLNR's authority to consider such plans, pursuant to Chapter 183C, Hawaii Revised Statutes (HRS). The BLNR's authority to consider management plans falls under Section 183C-1, HRS, which states as follows:

The legislature finds that lands within the state land use conservation district contain important natural resources essential to the preservation of the State's fragile natural ecosystems and the sustainability of the State's water supply. It is therefore, the intent of the legislature to conserve, protect, and preserve the important natural resources of the State through **appropriate management** and use to promote their long-term sustainability and the public, health, safety and welfare.

According to its authors, the CMP is also being prepared in accordance with the Third Circuit Court's Decision and Order (Civ. No 04-1-397) in the Keck Outrigger Telescopes Appeal. The CMP is intended to be consistent with guidance found in the court's January 19, 2007 decision. In that matter, which resulted in the reversal of the Keck Outrigger Telescope Conservation District Use Permit (CDUP), the circuit court ruled that the Management Plan submitted and approved by the BLNR for the project was not comprehensive under Hawaii Administrative Rules (HAR) 13-5-24. The circuit court's conclusions of law suggested that any Management Plan for Mauna Kea would need to be "comprehensive" and should not be project-by-project based (which was the case in the Keck Outrigger Telescope), and that the Management Plan should cover multiple land uses within the larger overall areas that UH controls at the top on Mauna Kea in the Conservation District. The circuit court's decision also stipulated that a management plan would be a precondition to the granting of a CDUP for R3 (Astronomy Facilities).

The CMP builds on pre-existing management plans including the 1995 Management Plan for UH Management Areas (approved by the BLNR, and updated and incorporated into the CMP), and the 2000 Mauna Kea Master Plan (approved by the UH Board of Regents).

A Draft Environmental Assessment (EA) for the CMP was published in the OEQC Bulletin for public review on February 2, 2009. According to OEQC, approximately 35 comment letters were received on the Draft EA; however, at the time of the writing of this staff report, Staff has not reviewed EA comments or been provided with the comment letters or responses from the CMP authors. UH approved the EA on April 1, 2009, through the issuance of a Finding of No Significant Impact FONSI to the Environment.

The CMP was developed using an integrated approach drawing upon the Hawaiian approach to managing natural and cultural resources, as well as contemporary science-based management tools, such as integrated management, ecosystem management and adaptive management. One of the fundamental approaches to the development of the CMP was based on the Ka Pa'akai analytical framework to ensure that traditional and customary native Hawaiian rights are preserved and protected at Mauna Kea.

The CMP also stresses the importance that UH obtain specific legislative authority to engage in rule-making for Mauna Kea so that UH will have clear legal authority to manage passive activities within its management area. For example, UH Rangers currently patrol these areas and provide a valuable service as far as ensuring the public health and safety of visitors, curtailing activities that are harmful to cultural or natural resources (such as off road driving), and other functions, such as monitoring commercial activity tours. However, the UH Rangers currently lack expressed legal authority to enforce on or manage passive uses (i.e., recreational/commercial activities).

## CONTENTS OF CMP

The proposed CMP is comprised of an Executive Summary and seven (7) chapters including: 1) Cultural Orientation, 2) Introduction, 3) Management Environment, 4) Community Engagement Process, 5) Cultural and Natural Resources, 6) Human Environment, and 7) Management Component Plans. Chapters 1-6 provide an excellent background and orientation to the multitude of issues and challenges associated with on-going and potential future activities and uses at Mauna Kea. These chapters also provide the overall management framework for the areas administered by the DLNR, UH, and other entities. Chapter 7 contains the actual Management Actions (over 100) that would affect the future of Mauna Kea; these Management Actions will be the focus of this staff report.

Chapter 7 includes five (5) Component Plans: 1) Understanding and Protecting Mauna Kea's Resources; 2) Managing Access and Use; 3) Managing the Built Environment; 4) Managing Operations; and 5) 1995 Management Plan Controls. Each of these component sections discusses "Management Actions," which form the core of the CMP. Each section also discusses many of the specific Management Actions, in terms of how they would be developed and implemented to improve management of Mauna Kea. Staff has included an excerpt from the CMP from the first Component Plan "Understanding and Protecting Mauna Kea's Resources – Native Hawaiian Cultural Resources, **(Exhibit 4)**. As you can see from this Component Plan, the CMP discusses the guidelines, elements, and parties that would be utilized to develop and implement the various sub plans. This process is repeated for all of the Component Plans and Management Actions, and forms the core elements of the CMP.



Staff has reiterated each Management Action in the following sections to illustrate all of the measures being contemplated, and to the greatest extent possible, to identify the party or entity that would be held responsible for developing each sub plan or policy. Staff notes that the CMP authors provide a narrative discussion on some (not all) of the Management Actions in the text of the report under "Additional Considerations for Management Actions." These discussions generally provided a summary of the processes, elements, and measures that would or could be included in a sub plan or action, as demonstrated in **Exhibit 4 (from text of CMP)**. Also, staff identified the entity(s) with responsibility to develop and implement a particular Management Action (bolded/italicized). However, in many cases, the CMP did not clearly identify a responsible entity, and staff was hesitant to assume this responsibility over any particular entity. While the CMP does note on page 7-64 that "OMKM will be responsible for implementing the CMP and ensuring adherence to its provisions," it still remains unclear in many cases who would prepare each sub plan, when this would be accomplished given the numerous sub plans identified in the CMP, and what it might cost. In addition, some of the Management Actions appeared to be repetitive or simple policy statements that did not appear to require a separate sub plan.

Summaries of the proposed management actions from Chapter 7 of CMP and identification of the management entity responsible for the specific management action (bold/italicized) are provided below.

## Understanding and Protecting Mauna Kea's Resource

### Native Hawaiian Cultural Resources

- CR-1 Develop policy of no restriction to UH Management Areas for Native Hawaiian traditional and customary practices, except where safety, resource management, cultural appropriateness, and legal compliance considerations may require reasonable restrictions. ***To be developed by Kahu Ku Mauna, Mauna Kea Management Board (MKMB), and Hawaiian Cultural Committee, in consultation with families with historic connections Mauna Kea, cultural practitioners, and other Native Hawaiians.***
- CR-2 Support designation of the summit region of Mauna Kea as a Traditional Cultural Property.
- CR-3 Conduct education efforts to protect the cultural landscape.
- CR-4 Establish a process for on-going collection of data of information on traditional, contemporary, customary, practices. ***Office of Mauna Kea Management (OMKM), in partnership with UH-Hilo and Hilo Community College to establish an oral history program.***
- CR-5 Development of guidelines for the appropriate placement and removal of offerings. ***Train person to perform this function.***

- CR-6 Develop guidelines for the visitation of ancient shrines.
- CR-7 Kahu Ku Mauna shall take the lead in determining the appropriateness of constructing new Hawaii cultural features. ***Kahu Ku Mauna, and/or the Hawaiian Cultural Committee, in consultation with families of lineal connections, kipuna, cultural practitioners, or native Hawaiian organizations, to develop protocol.***
- CR-8 Develop policy for the scattering of cremated human remains. ***Consider Hawaii Volcanoes National Park model.***
- CR-9 Develop management policy for the cultural appropriateness of building ahu. ***Kahu Ku Mauna, and/or the Hawaiian Cultural Committee, in consultation with families of lineal connections, kipuna, cultural practitioners, or native Hawaiian organizations, to develop protocol.***
- CR-10 Develop and implement a historic property-monitoring program.
- CR-11 Complete archaeological survey of the Summit Access Road under UH management.
- CR-12 Establish buffer zones around historic sites. ***OMKM, Kahu Ku Mauna, DLNR (SHPD).***
- CR-13 Develop and implement a burial treatment plan. ***Approval process recognized, but no one identified who would prepare the plan.***
- CR-14 Report unauthorized incursions into shrines or burials.

In addition to these Management Actions, the CMP recommends the adoption of all special conditions (where appropriate) previously approved by the BLNR on the Keck Outrigger Telescope Project. These conditions have been attached as **Exhibit 5). Staff notes that no additional planning is required. Specific conditions were already formulated under Keck Outrigger CDUP (reversed), but may be adopted by BLNR under the CMP.**

#### Natural Resources

- NR-1 Limit threats to natural resources through management of permitted activities and uses.
- NR-2 Limit damage caused by invasive species through creation of an invasive species prevention and control program.
- NR-3 Maintain biological diversity.
- NR-4 Minimize barriers to species migration.
- NR-5 Manage ecosystems to allow for response to climate change.
- NR-6 Reduce threats to natural resources by educating stakeholders.
- NR-7 Delineate areas of high native diversity, unique communities, or unique geological features and consider protection from development.
- NR-8 Consider fencing areas of high native biodiversity to exclude feral ungulates.
- NR-9 Increase native plant diversity through an out planting program.
- NR-10 Incorporate mitigation plans into project planning and for new development. ***Prepared by project applicants, but approved by DLNR/UH.***

- NR-11 Conduct habitat rehabilitation projects following unplanned disturbances.
- NR-12 Create restoration plans and conduct habitat restoration activities as needed.
- NR-13 Increase communication between stakeholders. ***Recommends a Working Group.***
- NR-14 Utilize principles of adaptive management when developing programs and methodologies. Use feedback of annual or five-year reviews.
- NR-15 Conduct baseline inventories of high-priority resources, outlined in an inventory, monitoring, and research plan.
- NR-16 Conduct regular long-term monitoring, as outlined in an inventory, monitoring and research plan.
- NR-17 Conduct research to fill knowledge gaps that cannot be addressed through inventory and monitoring.
- NR-18 Develop a geo-spatial database off all known natural resources and their locations in the UH Management Areas.

#### Education and Outreach

- EO-1 Develop and implement education and outreach program.
- EO-2 Require orientation of users (e.g., visitors, employees, observatory staff, contractors, and commercial users).
- EO-3 Continue to develop and disseminate materials explaining importance of Mauna Kea. ***OMKM.***
- EO-4 Develop and implement a signage plan.
- EO-5 Develop interpretive features such as self-guided cultural walks and volunteer-maintained native plant gardens. ***OMKM/DLNR (SHPD/DOFAW).***
- EO-6 Engage in outreach and partnerships with schools. ***OMKM, with public and private schools, and universities to develop educational programs.***
- EO-7 Continue to provide for opportunities for community members to provide input to cultural and natural resources management activities. ***OMKM to expand efforts to ensure systematic input from the community. OMKM to maintain a list of interested individuals to be consulted when individual development projects are proposed or when other issues arise.***
- EO-8 Provide opportunities for community members to participate in stewardship activities.

#### Astronomy Resources

- AR-1 Operate the UH Management Areas to prohibit activities resulting in negative impacts to astronomical resources.
- AR-2 Prevent light pollution, radio frequency, and dust.



## Managing Access, Activities and Uses

### Activities and Uses

- ACT-1 Maintain but update the 1995 BLNR Approved Management Plan that directs public access and commercial activities within UH Management Areas. ***Plan already in place and being implemented by OMKM and DLNR. Providing UH with rule-making authority would greatly enhance this effort.***
- ACT-2 Develop parking and visitor traffic plan.
- ACT-3 Maintain presence of interpretive and enforcement personnel at all times. ***Could be facilitated if UH received rule-making authority.***
- ACT-4 Develop and maintain a policy that maintains prohibitions on off-road vehicle use. ***OMKM/DLNR Working group.***
- ACT-5 Implement policies to reduce impacts of recreational hiking.
- ACT-6 Define and maintain snow play areas.
- ACT-7 Confine UH or other sponsored tours and stargazing to previously disturbed areas and parking areas.
- ACT-8 Coordinate with DLNR on a hunting policy within UH Management Areas. ***UH and DLNR with hunting associations.***
- ACT-9 Maintain commercial tour permitting, and evaluate it annually.
- ACT-10 Ensure OMKM input on film permits.
- ACT-11 Seek statutory authority to regulate commercial activities in the UH Management Areas
- ACT-12 Ensure input by OMKM, MKMB, and Kahu Ku Mauna on all scientific research permits and establish reporting system.

### Permitting and Enforcement

- P-1 Comply with all applicable federal, state, and local laws related to activities in the UH Management Areas.
- P-2 Strengthen CMP implementation by recommending to the BLNR that CMP conditions be included in any CDUP or other permit. ***Suggest that applicable CMP provisions be approved by the BLNR as a condition of approval in any future CDUPs.***
- P-3 Obtain rule-making authority. ***UH.***
- P-4 Educate management staff and all users of the mountain about all applicable rules and permit requirements.
- P-5 Continue coordinating with other agencies on enforcement needs.
- P-6 Establish a law enforcement presence at Mauna Kea. ***Could be UH with rule-making authority, or DLNR (DOCARE).***
- P-7 Develop and implement protocol for oversight and compliance with CDUP conditions. ***DLNR (OCCL) with assistance from OMKM.***
- P-8 Enforce conditions contained in commercial and Special Use Permits. ***OMKM, MKMB, and Kahu Ku Mauna.***

## Managing the Built Environment

### Infrastructure and Maintenance

- IM-1 Develop and implement an Operations, Monitoring, and Management Plan (OMMP).
- IM-2 Reduce impacts from operations and maintenance activities by educating personnel about Mauna Kea's unique resources. **OMKM and DLNR.**
- IM-3 Conduct historic preservation review for maintenance activities that will have an adverse effect on historic properties. **OMKM and DLNR (SHPD).**
- IM-4 Evaluate need for vehicle wash down station near Hale Pohaku.
- IM-5 Develop and implement a Debris Removal, Monitoring, and Prevention Plan.
- IM-6 Develop and implement an Erosion Inventory and Assessment Plan.
- IM-7 Prepare a plan to remove military wreckage from a remote area on the UH Management Area.
- IM-8 Assess feasibility of paving the Summit Access Road.
- IM-9 Evaluate need for additional parking lots, if necessary.
- IM-10 Evaluate need for additional public restroom facilities in the summit region and at Hale Pohaku.
- IM-11 Encourage existing facilities and new development to incorporate sustainable technologies into facility design and operations.
- IM-12 Conduct energy audits to identify energy use and system inefficiencies, and develop solutions to reduce energy usage.
- IM-13 Conduct feasibility assessment on developing locally-based alternative energy sources.
- IM-14 Encourage observatories to investigate options to reduce the use of hazardous materials.

### Construction Guidelines

- C-1 Require independent construction monitor to have oversight on work at Mauna Kea. **DLNR (OCCL) and OMKM. Specific conditions already formulated under Keck Outrigger CDUP (reversed), but may be adopted by BLNR under the CMP.**
- C-2 Require BMPs. **Project proposer. DLNR (OCCL) and OMKM. Specific conditions already formulated under Keck Outrigger CDUP (reversed), but may be adopted by BLNR under the CMP.**
- C-3 Develop a rock removal plan prior to construction. **Project proposer.**
- C-4 Require contractors to provide information from construction activities to OMKM for input into OMKM databases. **OMKM.**
- C-5 Require site monitors (e.g., archaeologists, cultural resources specialist, entomologist) during construction, as determined by the appropriate agency. **Project proposer. Specific conditions already formulated under Keck Outrigger CDUP (reversed), but may be adopted by BLNR under the CMP.**

- C-6 Conduct required archaeological monitoring during construction projects per SHPD approved plan. **Project proposer with SHPD approval.**
- C-7 Education regarding historical and cultural significance. **OMKM in consultation with Kahu Ku Mauna or other Native Hawaiian groups, and approval by DLNR (SHPD).**
- C-8 Education regarding environment, ecology and natural resources.
- C-9 Inspection of construction materials. **OMKM under review by DLNR.**

#### Site Recycling, Decommissioning, Demolition, and Restoration<sup>1</sup>

- SR-1 Require observatories to develop plans to recycle or demolish facilities once their useful life ended. **Project Proposer.**
- SR-2 Require observatories to develop restoration plans in associating with decommissioning, to include an environmental cost-benefit analysis and a cultural element. **Project Proposer.**
- SR-3 Require any future observatories to consider site restoration during planning process and including provisions in subleases for funding of full restoration. **Project Proposer.**

#### Considering Future Land Use

- FLU-1 Follow design guidelines presented in the 2000 Master Plan. **OMKM and DLNR (OCCL).**
- FLU-2 Develop a map with land-use zones in the Astronomy Precinct based on updated inventories of cultural and natural resources, to delineate areas where future development will not be allowed and areas where future land use will be allowed, but will require compliance with prerequisite studies or analysis prior to approval of a CDUP.
- FLU-3 Require cataloguing of initial site conditions for use when conducting restoration. **OMKM.**
- FLU-4 Require project specific visual rendering of both pre- and post-project settings to facilitate analysis of Aeolian ecosystems. **Project Proposer.**
- FLU-5 Require airflow analysis on the design of structures to assess potential impact to Aeolian ecosystems. **Project Proposer.**
- FLU-6 Incorporate habitat mitigation plans into project planning processes. **Project Proposer.**
- FLU-7 Require use of close-contained zero-discharge waste systems for future development, if feasible. **Project Proposer.**

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<sup>1</sup> Author recommends that the guidelines developed under the 2000 Mauna Kea Master Plan be used in association with the CMP. The 2000 Master Plan established a set of guidelines for project review and design, to ensure that proposed projects conform to and implement the concepts, themes, development standards and guidelines set forth in the Master Plan. The University Board of Regents (BOR), not the BLNR, adopted the 2000 Master Plan. The BLNR is not being asked to adopt the 2000 Master Plan at this time.

## Managing Operations

### Operations and Implementation

- OI-1 Maintain OMKM, MKMB, and Kahu Ku Mauna in current roles, and MKSS providing operational and maintenance services.
- OI-2 Develop training plan for staff and volunteers.
- OI-3 Maintain and expand regular interaction and dialogue with stakeholders, community members, surrounding landowners, and the overseeing agencies to provide a coordinated approach to resource management.
- OI-4 Establish grievance procedures for OMKM to address issues as they arise. **OMKM.**
- OI-5 Update and implement emergency response plan. **OMKM.**

### Monitoring, Evaluation and Updates

- MEU-1 Establish reporting system to ensure the MKMB, DLNR, and the public are informed of the results of management activities in a timely manner. **OMKM to prepare 1-year and 5-year progress reports.**
- MEU-2 Conduct regular updates of the CMP that reflect outcomes of the evaluation process, and that incorporate new information about resources. **OMKM.**
- MEU-2 Revise and update planning documents, including the master plan, leases, and subleases, so that they will clearly assign roles and responsibilities for managing Mauna Kea and reflect stewardship matters resolve with DLNR. **OMKM.**

## Management Plan Controls

This section essentially recommends the replacement and adoption of the controls established in the 1995 Revised Plan for UH Management Areas (BLNR, 1995), which established controls for access to the mountain by the general public and commercial tours operations (**Exhibit 6**).

### PUBLIC/AGENCY COMMENTS ON THE CMP

Staff solicited comments from DLNR divisions. Written comments were provided by the Division and Forestry and Wildlife, the Historic Preservation Division, and the Land Division. These comments have been attached as **Exhibit 7**. The authors of the CMP solicited all other public or agency comments, including the input of the Office of Hawaiian Affairs (OHA). In addition, on March 25, 2009, The OHA's Beneficiary, Advocacy and Empowerment committee passed a motion recommending the OHA board of trustees submit a letter to BLNR supporting the CMP that will protect our cultural resources and preserve our

customary and historical practices and that OHA stands ready to participate in the process to enhance the CMP as drafted.

Staff has reviewed some of the written comments on the CMP, but has not at the time of the writing of this staff report, been provided with response letters to those comments from the CMP authors.

#### DISCUSSION:

In general, staff feels that the CMP provides for an excellent overview of cultural and ecological conditions on Mauna Kea as well as many of the historical impacts, current conditions, and future risks to resources found on Mauna Kea from a variety of sources including visitor access, astronomy development, and invasive/exotic plants and animals.

One of the CMP's strongest components is its cultural framework utilizing the Ka Pa'akai analytical framework to ensure that traditional and customary native Hawaiian rights are preserved and protected. Therefore, it is not unusual that the CMP would begin with a cultural orientation describing the cultural significance of Mauna Kea to Native Hawaiians.

Following on this cultural theme, the authors of the CMP embarked on an extensive community engagement process that was intended to include community participation throughout the development of the CMP. According to the authors, the consultation process is intended to be not only responsive to community involvement, but also attempts to establish a meaningful relationship between the University and the community. In addition to the general public, the CMP authors specifically sought the input of stakeholders because of their cultural, legal, or political affiliation with Mauna Kea. ***The appendices to the CMP provide a record of the broad reaching community and stakeholder outreach efforts.***

A major theme of the CMP is to continue this outreach and education and to incorporate new information and feedback into a comprehensive planning process that may result in new planning efforts or revision of plans and actions already in existence. The authors of the CMP refer to this as "Adaptive Management."

The CMP incorporates a number of Management Actions (over 100), which have been illustrated in this report. Since the BLNR is being asked to approve the CMP in its totality, staff thought it prudent to illustrate all of the measures being contemplated, and to the greatest extent possible, to identify the party or entity that would be held responsible for developing each sub plan or policy. While the CMP does note on page 7-64 that "OMKM will be responsible for implementing the CMP and ensuring adherence to its provisions," it still remains unclear in many cases who would develop each sub plan, and when this would be

accomplished given the numerous sub plans identified in the CMP. Moreover, there is no discussion of a budget to underwrite these efforts. Because of the large commitment of human and financial resources that the CMP will require, staff believes that the University of Hawaii, Board of Regents (BOR) needs to ensure us (DLNR) that it has the capability to implement all aspects of the CMP. It is not enough to rely singularly on abilities and resources of UH Hilo and OMKM, especially if resources and authorities necessary for the implementation of the CMP will be obtained from the University at large.

Staff acknowledges that a plan of this magnitude will require adequate financial resources and the delegation of decision-making authority by the BOR that will apply to the various University entities referenced in the CMP. Only the BOR has the authority over the University and its various entities referenced in the plan. Thus, the BOR bears ultimate responsibility for the CMP and its implementation, although the Department understands that its authority may be delegated to implement the various elements of the CMP.

Thus, staff recommends as follows:

#### RECOMMENDATION

Based on the preceding analysis, staff recommends that the Board of Land and Natural Resources approve the University of Hawaii's Mauna Kea Comprehensive Management Plan, subject to the following conditions:

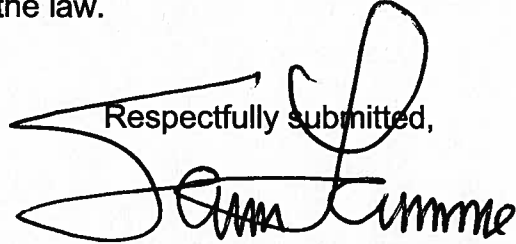
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- 5) That the BOR recognizes that by approving the CMP, the BLNR has not delegated any authority (not already in existence) to the University with respect to land use approvals, leasing, or public access at Mauna Kea;
- 6) That prior to the development of any new land use(s) within the UH Management Areas, the BOR (or its authorized designee) shall provide the BLNR (for review and approval), with a management and implementation framework, that has been authorized by the BOR, for



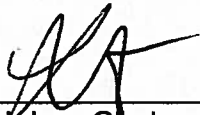
project developments within UH Management Areas that is consistent with the specific management actions, conditions and policies of CMP, and consistent with the provisions of the 2000 Mauna Kea Master Plan; and

- 7) That failure to comply with these conditions may subject the University to the imposition of additional conditions to ensure compliance with the CMP and any penalties allowed under the law.

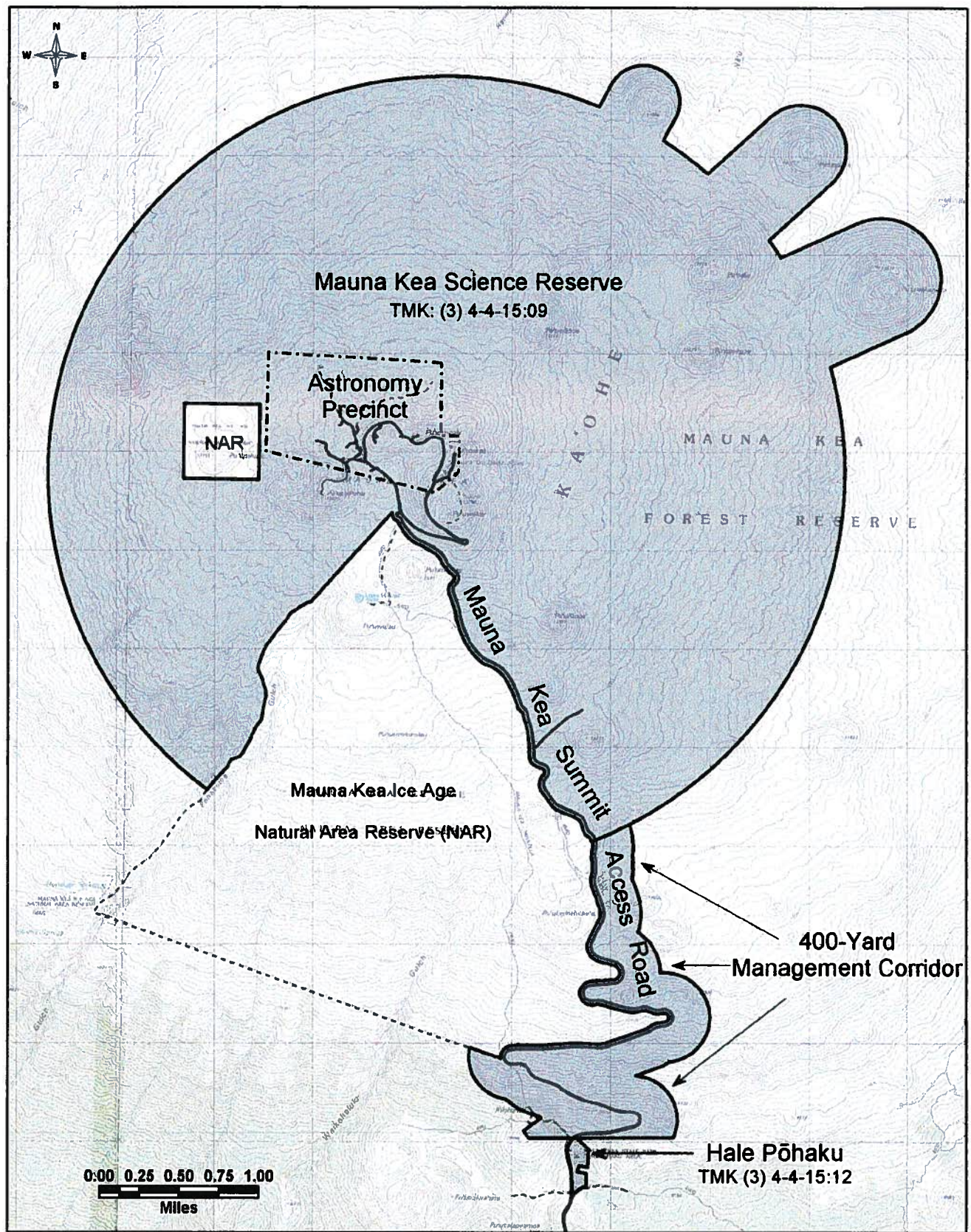
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sam Lemmo", written over a horizontal line.

Samuel J. Lemmo, Administrator

A handwritten signature in black ink, appearing to read "Laura H. Thielen", written over a horizontal line.

Laura H. Thielen, Chairperson  
Board of Land and Natural Resources



## UH Management Areas

Draft Environmental Assessment for the  
Mauna Kea Comprehensive Management Plan (CMP)

EXHIBIT 1



